IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.2942 OF 2006
IN
R.C.C.NO.196 OF 2002

Smt.Meena Vashu Kukreja ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.Girish Agarwal i/b Ramesh M.Agarwal & Associates for applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State
Mr.V.S.Kotwal Advocate for Respondent No.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 30, 2007

P.C.

1. Heard the learned advocate for the applicant-original complainant, learned advocate for the respondent No.2-original accused and the learned A.P.P. for the State.

2. The applicant has challenged the judgment and order dated 4.5.2006 passed by the learned Judicial Magistrate F.C. Ulhasnagar, Thane in RCC No.196 of

1992. By the said judgment and order, the learned Magistrate acquitted the accused i.e. the present Respondent No.2-original accused for the offence under Section 406 of IPC. It may be stated at this stage that Respondent No.2-accused was the husband of present applicant. On account of matrimonial disputes, this complaint came to be filed. It is the case of the complainant that on 5.5.1992, her husband i.e. respondent no.2 was entrusted with "stridhan" by the complainant. The said "stridhan" consisted of 4 gold bangles, gas, TV, Fridge and steel utensils. It is her case that these goods were converted by her husband to his own use and he did not permit her to take away these articles.

3. It is an admitted fact that though order of acquittal was passed, since 1995, "stridhan" articles are with the complainant. The learned advocate for the Respondent no.2-original accused on instructions states that the Respondent No.2 is not claiming any of these articles and in future also, he will not make any claim in respect of these articles and the applicant may retain the same permanently. In view of this statement, the learned advocate for the applicant on instructions

from the applicant who is present in Court, states that she does not wish to pursue the present application for leave to appeal. In view of this statement, this application is disposed of as not pressed. Consequently, appeal also stands disposed of.

[SMT.V.K.TAHILRAMANI, J.]